

**MONDAY, APRIL 4, 1983**

**TWENTY-THIRD LEGISLATIVE DAY**

The House met at 5:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Brother Mike Madewell, Pastor, First Baptist Church, Byrdstown, Tennessee.

Representative Davis (Pickett) led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present . . . . . 95

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensey, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

**MESSAGE FROM THE GOVERNOR**

**MR. SPEAKER:**

I am directed by the Governor to return herewith: House Bills Nos. 19, 36, 98, 264, 270, 333, 389, 576, 610, 744, 745, 1219, 1220,

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1225 and 1226; and House Joint Resolutions Nos. 18, 92, 93, 100, 103, 106 and 109, with his approval.

WILLIAM C. KOCH, JR.,  
Counsel to the Governor.

**ENROLLED BILLS**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution No. 22; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Resolution No. 22.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

113--Relative to congratulating Lady Giants, Leoma Elementary School;

115--Relative to congratulating Coach Shipley and Ripley High School football team;

116--Relative to memory, Mrs. Fannie A. Merriweather Dobbins;

117--Relative to commending Dr. Henry Foster;

118--Relative to honoring the Tennessee Safety Congress; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No.:

540--To provide for selection of jurors by mechanical means; substituted for Senate Bill on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

CALENDAR

House Bill No. 496--To prohibit taking a bribe.

Mr. Wood moved that House Bill No. 496 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 496 by deleting the third sentence of the amendatory language of Section 1 and substituting instead the following:

Forfeit moneys and other proceeds realized from the enforcement of this section shall be paid into the state general fund unless disposition of such moneys or proceeds is otherwise provided by law.

On motion, the amendment was adopted.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 496 by deleting from the second sentence of the amendatory language of Section 1 the letters "lelnor" and substituting instead the word "lienor".

On motion, the amendment was adopted.

Thereupon, House Bill No. 496, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	92
Noes . . . . .	0
Present and not voting . . . . .	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Jones, Kelley, Kent, Kernell, King (Washington), Kieber, Love, McAfee, McKinney, McNally, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson,

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Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --92.

Representative present and not voting was: Pickering--1.

A motion to reconsider was tabled.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

House Bill No. 223--To make certain provisions, criminal investigators.

Mr. Dills moved that House Bill No. 223 be passed on third and final consideration.

Mr. Dills moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 223 by deleting the amendatory language of SECTION 1 and substituting instead the following:

The District Attorney General for the Thirty-first Judicial Circuit is authorized to appoint a full-time criminal investigator who shall have the same powers as Deputy Sheriffs in this state. The person appointed to serve as the criminal investigator for the Thirty-first Judicial Circuit shall not be required to be licensed to practice law in this state. If the criminal investigator for the Thirty-first Judicial Circuit is a licensed attorney, he shall be compensated in accordance with the provisions of Tennessee Code Annotated, Section 8-7-201(b). If such investigator is not a licensed attorney, he shall be compensated in accordance with the provisions of Tennessee Code Annotated, Section 8-7-201(a).

FURTHER AMEND by deleting SECTION 2 and substituting instead the following:

SECTION 2. The provisions of this act shall be applied retroactively to January 1, 1983, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, House Bill No. 223, as amended, passed its third and final consideration by the following vote:

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Ayes . . . . .	92
Noes . . . . .	1
Present and not voting . . . . .	1
Present . . . . .	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--92.

Representative voting no was: Montgomery--1.

Representative present and not voting was: Pickering--1.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 880--To create offense, false reporting to authorities.

Mr. Clark (Sumner) moved that House Bill No. 880 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	93
Noes . . . . .	0
Present . . . . .	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--93.

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Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 870--To allow county clerks and executives to solemnize marriages.

Mr. Naifeh moved that House Bill No. 870 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	94
Noes . . . . .	0
Present . . . . .	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensey, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--94.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

Senate Joint Resolution No. 17--Relative to protecting human life.

Mr. Ellis moved that Senate Joint Resolution No. 17 be concurred in.

Mr. McNally moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Joint Resolution No. 17 in the last section by adding the following after the last sentence:

In cases of severe neurological, physiological or anatomical abnormalities which are incompatible with life, the decision not to use heroic measures, such as pulmonary resuscitation and cardiac resuscitation, can be made by the family.

On motion, the amendment was adopted.

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Thereupon, Senate Joint Resolution No. 17, as amended, was concurred in by the following vote:

Ayes . . . . .	93
Noes . . . . .	0
Present . . . . .	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--93.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 654--To make certain provisions, off-highway motor vehicles.

On motion, House Bill No. 654 was made to conform with Senate Bill No. 640.

On motion, Senate Bill No. 640, on same subject, was substituted for House Bill No. 654.

Mr. Tanner moved that Senate Bill No. 640 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	93
Noes . . . . .	0
Present and not voting . . . . .	2
Present . . . . .	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pickering, Pruitt, Rhinehart, Robertson,

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Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--93.

Representatives present and not voting were: Bragg and Brewer --2.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

Mr. Bragg moved that House Bill No. 970 be placed on the Calendar for Monday, April 11, 1983, which motion prevailed.

House Bill No. 722--To make recommendation of juvenile court referees decree of court.

On motion, House Bill No. 722 was made to conform with Senate Bill No. 152.

On motion, Senate Bill No. 152, on same subject, was substituted for House Bill No. 722.

Mr. Clark (Davidson) moved that Senate Bill No. 152 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	93
Noes . . . . .	0
Present . . . . .	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensey, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--93.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 1195--To make certain provisions, Public Health Commissioner.



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Mr. King (Washington) moved that House Bill No. 1195 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 1195 by deleting subsection (a) of Section 1 in its entirety and by substituting in lieu thereof the following:

(a) The Department of Public Health shall be under the charge and general supervision of the Commissioner of Public Health, who shall be appointed by the governor in the same manner as other commissioners and who shall have the same official status as other commissioners. He shall hold office at the pleasure of the governor and his compensation shall be fixed by the governor and paid from the appropriation to the department.

AND FURTHER AMEND by deleting subsection (b) in its entirety;

AND FURTHER AMEND BY DELETING SUBSECTION (d) in its entirety and substituting in lieu thereof the following:

The commissioner of public health shall appoint a state health officer to be called the chief medical officer for the state of Tennessee who shall, at the direction of the commissioner of public health, be responsible for and advise the commissioner and department on all matters of health policy in all state services and programs, including but not limited to, medicaid, public health, and environmental health. The Chief medical officer shall be a physician licensed to practice medicine in Tennessee. He shall be appointed from a list of nominees containing at least two (2) names for consideration by the commissioner to be submitted by the Tennessee Medical Association Board of Trustees.

Mr. Starnes moved to amend Amendment No. 1 as follows:

**AMENDMENT NO. 1 TO AMENDMENT NO. 1**

Amend Amendment No. 1 by deleting the words and figures "two (2)" from the amendatory language of the third amendatory section and by substituting instead the words and figures "three (3)".

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Mr. Rhinehart moved that Amendment No. 1, as amended, be moved to the heel of the Amendments, which motion failed by the following vote:

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Ayes . . . . .	17
Noes . . . . .	60
Present and not voting . . . . .	2

Representatives voting aye were: Anderson, Bivens, Buck, Cobb, Davidson, Davis (Pickett), Duer, Hurley, Jared, Kernell, Love, Rhinehart, Severance, Stallings, Tanner, Whitson and Wix--17.

Representatives voting no were: Atchley, Bell, Bewley, Byrd, Clark (Davidson), Copeland, Covington, Crain, Davis (Gibson), Davis (Hamilton), DeBerry, Dills, Disspayne, Dixon, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Huskey, Johnson, Jones, Kelley, Kent, King (Washington), Kisber, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Sullivan), Murphy, Murray, Nafieh, Napier, Percy, Pickering, Pruitt, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Shockley, Sir, Smith, Stafford, Ussery, Wallace, Webb, Wheeler, Williams, Wolfe, Wood and Yelton--60.

Representatives present and not voting were: Owen and Robinson (Hamilton)--2.

Mr. Copeland moved to amend Amendment No. 1 as follows:

**AMENDMENT NO. 2 TO AMENDMENT NO. 1**

Amend Amendment No. 1 by deleting the entire last sentence of amendatory language of Amendment 1 Section (a).

On motion of Mr. Copeland, Amendment No. 2 to Amendment No. 1 was withdrawn.

Mr. King (Washington) moved that House Bill No. 1195 be placed on the Calendar for Monday, April 11, 1983, which motion prevailed.

**STATEMENT BY MR. OWEN**

House Bill No. 1195 allows that the Governor appoint someone other than a doctor as commissioner of the Department of Public Health. The Knoxville Academy of Medicine has taken a position in opposition to this Bill. I agree with the Academy's position. I think the Commissioner of Public Health should be a licenced Medical Doctor in order to properly discharge the duties of Commissioner.

Bill Owen

House Bill No. 361--To amend Title 66, Chapter 22, Code.

Ms. Duer moved that House Bill No. 361 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes . . . . .	95
Noes . . . . .	0
Present . . . . .	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--95.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

Senate Bill No. 381--To regulate collecton, delinquent taxes.

Mr. Buck moved that Senate Bill No. 381 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 381 by deleting the word and figure "seven (7)" from the amendatory language of Section 1 and by substituting instead the word and figure "five (5)".

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 381, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	91
Noes . . . . .	3
Present. . . . .	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber,

Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--91.

Representatives voting no were: Chiles, Cobb and Harrill--3.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 758--To extend coverage, certain scholarship program.

Mr. Kent moved that House Bill No. 758 be passed on third and final consideration.

Mr. Davis (Pickett) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 758 in Section 2 by deleting the period at the end of the definition of "fireman" and adding the following:

or a bona fide member of a volunteer fire department.

On motion, the amendment was adopted.

Thereupon, House Bill No. 758, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	95
Noes . . . . .	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--95.

Representative voting no was: Bragg--1.

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A motion to reconsider was tabled.

Senate Bill No. 119--To alienate certain property under trust.

Mr. Murphy moved that Senate Bill No. 119 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	90
Noes . . . . .	5
Present and not voting . . . . .	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--90.

Representatives voting no were: Chiles, Cobb, Harrill, Murray and Scruggs--5.

Representative present and not voting was: Brewer--1.

A motion to reconsider was tabled.

Senate Bill No. 250--To regulate retainage, construction contracts.

Mr. Bragg moved that Senate Bill No. 250 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 250 by deleting Section 1(c) (3) in its entirety and substituting the following:

(3) Certificates of deposit or evidence of other deposits irrevocably pledged from a state or national bank having its principal office in Tennessee or a state or federal savings and loan association having its principal office in Tennessee; or

On motion, the amendment was adopted.

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Thereupon, Senate Bill No. 250, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	96
Noes . . . . .	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton --96.

A motion to reconsider was tabled.

Mr. Rhinehart moved that House Bill No. 364 be placed on the Calendar for Monday, April 11, 1983 which motion prevailed.

House Bill No. 451--To authorize state to issue fully registered obligations.

On motion, House Bill No. 451 was made to conform with Senate Bill No. 457.

On motion, Senate Bill No. 457, on same subject, was substituted for House Bill No. 451.

Mr. Bragg moved that Senate Bill No. 457 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	96
Noes . . . . .	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton),

Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton --96.

A motion to reconsider was tabled.

CONSENT CALENDAR

House Resolution No. 25--Relative to St. Patrick's Day.

House Joint Resolution No. 129--Relative to congratulating East Robertson High School boy's basketball team.

House Joint Resolution No. 130--Relative to congratulating Cumberland, College Lady Bulldogs basketball team.

House Joint Resolution No. 131--Relative to congratulating Hollow Rock - Bruceton Special District Board of Education.

House Bill No. 233--To change Shelby County purchasing department.

House Bill No. 234--To amend Shelby County Restructure Act.

House Bill No. 1244--To regulate road commission, Carroll County.

House Bill No. 1245--To enact litigation tax, Carroll County.

House Bill No. 1246--To create office of purchasing agent, Henderson County.

House Bill No. 1247--To amend road law, Lake County.

House Bill No. 1248--To amend Charter, Tullahoma.

House Bill No. 1249--To amend budgeting law, Henderson County.

House Bill No. 1250--To prohibit fiscal procedure law, Henderson County.

Mr. Gill moved that all House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, which motion prevailed by the following vote:

Ayes . . . . .	96
Noes . . . . .	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry,

DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--96.

A motion to reconsider was tabled.

**NOTICE PURSUANT TO RULE NO. 57**

Pursuant to Rule No. 57, sponsors gave notice of their intentions to consider the following measures from the Senate on Wednesday, April 6, 1983:

House Bill No. 21--Rhinehart

House Bill No. 634--Kisber

Mr. Robertson moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 138 out of order, which motion prevailed.

House Joint Resolution No. 138--Relative to the 63rd Tennessee Volunteer Infantry--By Robertson, Shockley and Huskey.

Mr. Robertson moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 138, which motion prevailed.

On motion, the resolution was adopted.

A motion to reconsider was tabled.

Mr. McKinney moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 137 out of order, which motion prevailed.

House Joint Resolution No. 137--Relative to adjournment, 93rd General Assembly--By McKinney, Naifeh, Davidson, Gill, Murray, Pickering, Murphy, Work, Johnson, Ellis, Davis (Hamilton), Bragg, Love, Miller, Starnes, Hillis, Buck, Kernell, Wix, DePriest, Jared and Mr. Speaker McWherter.

Mr. McKinney moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 137, which motion prevailed.



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Mr. McKinney moved that House Joint Resolution No. 137 be adopted, which motion prevailed by the following vote:

Ayes . . . . .	62
Noes . . . . .	0
Present and not voting . . . . .	32

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Byrd, Clark (Davidson), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Ellis, Gafford, Gaia, Gill, Herndon, Hillis, Hudson, Jared, Johnson, Jones, Kelley, Kernell, Kisber, Love, McKinney, Miller, Murphy, Murray, Naifeh, Napier, Owen, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner, Wallace, Wheeler, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter--62.

Representatives present and not voting were: Anderson, Atchley, Bewley, Chiles, Clark (Sumner), Duer, Elsea, Ford, Frensley, Harrill, Hassell, Henry, Hurley, Huskey, Kent, King (Washington), McAfee, McNally, Montgomery, Moore (Shelby), Moore (Sullivan), Nance, Percy, Robertson, Robinson (Washington), Shockley, Stafford, Ussery, Webb, Whitson, Williams and Wood--32.

A motion to reconsider was tabled.

## BILLS RE-REFERRED

On motion of Mr. Murray House Bills Nos. 351, 555, 557, 559, 1026, 1048, 1050, 1065, 1151 and 1159 were recalled from the Committee on Commerce and re-referred to the Committee on Finance, Ways and Means.

## SECOND ROLL CALL

The roll call was taken with the following results:

Present . . . . .	98
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Representatives present were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb,

Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

**RESOLUTIONS LYING OVER**

Senate Joint Resolution No. 68--Relative to commending Rolin R. Shaw.

Under the rules, Senate Joint Resolution No. 68 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 70--Relative to memory, Robin L. Beard, Sr.

Under the rules, Senate Joint Resolution No. 70 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 71--Relative to commending Alvin Carter.

Under the rules, Senate Joint Resolution No. 71 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 72--Relative to congratulating Coach Rick Walker.

Under the rules, Senate Joint Resolution No. 72 was referred to the Committee on Calendar and Rules.

**INTRODUCTION OF RESOLUTIONS**

House Joint Resolution No. 133--Relative to proposed federal settlement with Mobile Oil--By Sir.

The Speaker referred House Joint Resolution No. 133 to the Committee on Conservation and Environment.

House Joint Resolution No. 134--Relative to commending James G. Cathey--By Henry, McKinney, Robertson, Burnett, Naifeh, Owen and Scruggs.

Under the rules, House Joint Resolution No. 134 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 135--Relative to honoring Captain Charles Patty and Mrs. Beverly Moon--By Owen, Miller, Hudson, Scruggs, Drew, Severance and Smith.

Under the rules, House Joint Resolution No. 135 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 136--Relative to study, executive orders having force of law--By Davis (Hamilton), Scruggs, Starnes,

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Bragg, Moore (Sullivan), Duer, Stafford, Wix, Davidson, Covington, Clark (Davidson), Moore (Shelby), Chiles, Love, DeBerry, Disspayne, Ussery, Murphy, Ellis, Robinson (Davidson), McKinney and Dixon.

The Speaker referred House Joint Resolution No. 136 to the Committee on Government Operations.

### **INTRODUCTION OF BILLS**

House Bill No. 1258--To provide for election, city commissioners, Springfield--By Davidson.

Passed first consideration.

House Bill No. 1259--To regulate Board of Utilities, Maryville --By Anderson, Huskey, Stafford and Scruggs.

Passed first consideration.

House Bill No. 1260--To regulate issuance of certain licenses, Chester County--By Wallace and Stallings.

Passed first consideration.

House Bill No. 1261--To provide for Public Works Committee, Tipton County--By Naifeh.

Passed first consideration.

House Bill No. 1262--To levy tax on lodgings, Henderson County --By Kelley and Wallace.

Passed first consideration.

House Bill No. 1263--To provide for collection of certain privilege taxes, Jefferson County--By Ford and Atchley.

Passed first consideration.

House Bill No. 1264--To regulate purchasing, Robertson County--By Davidson.

Passed first consideration.

House Bill No. 1266--To amend Charter, Friendship--By Dills.

Passed first consideration.

### **SENATE BILLS ON FIRST CONSIDERATION**

Senate Bill No. 28--To amend Section 54-4-203 and 67-3047, Code.

Passed first consideration.

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Senate Bill No. 205--To regulate absentee voting by mail.

Passed first consideration.

Senate Bill No. 206--To regulate wine production.

Passed first consideration.

Senate Bill No. 303--To levy 17% wholesale beer tax.

Passed first consideration.

Senate Bill No. 321--To regulate public service, certain bank employees.

Passed first consideration.

Senate Bill No. 380--To amend definition, newspaper of general circulation.

Passed first consideration.

Senate Bill No. 495--To provide use, canines, certain facilities.

Passed first consideration.

Senate Bill No. 551--To regulate voting privileges, certain chairman, county legislative body.

Passed first consideration.

Senate Bill No. 581--To amend Section 67-509, Code.

Passed first consideration.

Senate Bill No. 614--To regulate bank assessments of property, certain municipalities.

Passed first consideration.

Senate Bill No. 951--To regulate Anderson County Juvenile Court.

Passed first consideration.

**HOUSE BILLS ON SECOND CONSIDERATION**

House Bill No. 1251--To make certain bond provisions, Tullahoma.

Passed second consideration and held without reference.

House Bill No. 1252--To set jurisdiction of city judge, certain municipalities.

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Passed second consideration and held without reference.

House Bill No. 1253--To authorize bonds, Bradford Special School District.

Passed second consideration and held without reference.

House Bill No. 1254--To levy mineral severance tax, Grundy County.

Passed second consideration and held without reference.

House Bill No. 1255--To provide for Board of Education.

Passed second consideration and held without reference.

House Bill No. 1256--To continue Tellico Reservoir Development Agency.

Passed second consideration and referred to Committee on Government Operations.

House Bill No. 1257--To set jurisdiction, general sessions court, Washington County.

Passed second consideration and held without reference.

House Bill No. 1265--To repeal certain outmoded laws, Department of Agriculture.

Passed second consideration and referred to Committee on Agriculture.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, April 6, 1983: House Bills Nos. 875, 875, 879, 304, 317, 316, 1204, 128, 156, 1055, 984, 859, 854, 853, 843, 857, 492, 494, 1043, 1179, 1155, 1184, 1185, 901 and 453.

GILL, Chairman.

**SPONSOR ADDED**

Without objection, the rules were suspended to allow the following member to add his name as sponsor to the bill as indicated below, the prime sponsor having agreed to such addition:

House Bill No. 1034--Moore (Shelby) - prime

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**SPONSOR REMOVED**

On motion of Mr. Nance, his name was removed as sponsor of House Bill No. 1034.

**LOCAL BILLS REFERRED TO CALENDAR AND RULES**

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1251 and 1252.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**CONSENT CALENDAR**

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Wednesday, April 6, 1983: Senate Joint Resolutions Nos. 72, 68, 70, 71; House Joint Resolutions Nos. 134 and 135; and House Bills Nos. 1251 and 1252.

GILL, Chairman.

**ENGROSSED BILLS**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 223, 233, 234, 361, 496, 758, 870, 880, 1244, 1245, 1246, 1247, 1248, 1249 and 1250; and House Joint Resolutions Nos. 129, 130, 131, 137 and 138; and find same correctly engrossed and ready for transmission to the Senate.

MARLYN EVELYN HAND,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 49, 66, 194, 393, 417, 528, 768, 820, 830, 831, 1221, 1223, 1224, 1229, 1230, 1232, 1234 and 1235; also, House Joint Resolutions Nos. 108, 110, 111, 112, 114 and 128; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

275--To amend Title 20, Chapter 3, Code;

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838--To amend Section 55-10-406, Code; both substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

73--Relative to congratulating Coach Martin Sisco;

76--Relative to congratulating Coach Terry Pearcy;

77--Relative to congratulating Coach Robert Manning;

78--Relative to congratulating Coach Rick Walker;

79--Relative to congratulating Coach Walt Holman and boys' basketball team;

80--Relative to commending certain chapters, Jack and Jill of America;

81--Relative to congratulating Coach Dorsey Sims, Jr.; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

208--To regulate filing fees, estates;

301--To regulate product liability actions;

302--To amend Criminal Injuries Compensation Act;

348--To require payment in lieu of taxes, certain leases;

394--To provide tax refund lawsuits, Business Tax Act;

600--To amend Title 24, Chapter 7, Code;

618--To amend Title 47, Chapter 15, Code;

769--To regulate open space land;

841--To provide forfeiture, municipal corporation charter;

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1161--To regulate owning, dogs and cats, Rutherford County; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No.:

320--To amend Section 54-7-104, Code.

The Senate lifted tabling motion, reconsidered passage of the bill, reconsidered adoption of Senate Amendment No. 1, withdrew Senate Amendment No. 1, then repassed the bill on third and final consideration.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

On motion of Mr. Naifeh, the House adjourned until 2:00 p.m., Wednesday, April 6, 1983.